

actually granted before the U.S. filing date; and 4) the same invention must be involved. See MPEP 2135.01.

This application was filed March 23, 2004. Both Kitajima '681 and Kitajima '578 were published (not granted) April 15, 2004. This means that at the time of the filing of this application neither Kitajima '681 nor Kitajima '578 had issued as a Japanese patent. In fact, as of November 1, 2006, no patent has been granted on Kitajima '681 or Kitajima '578.

Both Kitajima '681 and Kitajima '578 fail to meet the third requirement to qualify as a 102(d) reference explained above. Thus, the rejection of claims 1-7 under 35 USC 102(d) on Kitajima '681 and Kitajima '578 should be withdrawn because they are not prior art against this application.

Applicants knew at the time of the filing of this application that the period for claiming priority under 35 USC 119 on Kitajima '681 and Kitajima '578 had lapsed. However, because of a clerical error, applicants claimed priority based on the two Kitajima applications on June 29, 2005. Applicants apologize for this mistake and respectfully request that the Examiner withdraw his acknowledgement of the claim for foreign priority appearing in Office Action Summary.

Applicants also note that neither of the Kitajima references is prior art under 35 USC 102(a) or (b) because the filing of this application was before the publication date of the two Kitajima references.

In light of the above, a Notice of Allowance is solicited.

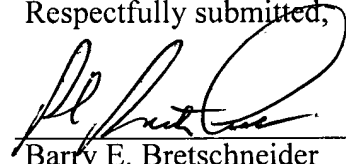
In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 03-1952, referencing Docket No. **606402017200**.

Respectfully submitted,

Dated: November 6, 2006

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